

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

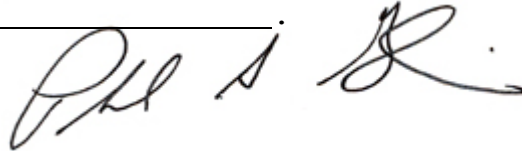
TOMMIE LEE BAKER,)	CASE NO. CV 11-6342-PSG (PJW)
)	
Petitioner,)	
)	ORDER ACCEPTING REPORT AND
v.)	RECOMMENDATION OF UNITED STATES
)	MAGISTRATE JUDGE AND DENYING
TIM V. VIRGA,)	CERTIFICATE OF APPEALABILITY
)	
Respondent.)	
_____)	

Pursuant to 28 U.S.C. Section 636, the Court has reviewed the Petition, records on file, and the Report and Recommendation of the United States Magistrate Judge. Further, the Court has engaged in a *de novo* review of those portions of the Report to which Petitioner has objected. The Court accepts the findings and recommendation of the Magistrate Judge.

Further, for the reasons stated in the Report and Recommendation, the Court finds that Petitioner has not made a substantial showing of the denial of a constitutional right and therefore, a certificate of appealability is denied. See 28 U.S.C.

§ 2253(c)(2); Fed. R. App. P. 22(b); *Miller-El v. Cockrell*, 537 U.S.
322, 336 (2003).

DATED: January 8, 2013

A handwritten signature in black ink, appearing to read "Phil S. Gutierrez", written over a horizontal line.

PHILIP S. GUTIERREZ
UNITED STATES DISTRICT JUDGE